IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Con.Case(C).No. 1108 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.31281/2006 Dated 05/12/2006

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PETITIONER/WRIT PETITIONER

C.T.JOSEPH, AGED 46 YEARS, S/O.THOMAS,
CHARANAL HOUSE, THAZHUVAMKUNNU P.O.,
KALLOORKAD, ERNAKULAM.

BY ADV. SRI.P.M.BENZIR
SRI.G.G.MANOJ
SRI.JAICE JACOB

RESPONDENTS: RESPONDENTS

1. ALOSIOUS GEORGE,
SON OF GEORGE, AGED 47 YEARS,
SECRETARY, MANJALLOOR HOUSING CO-OPERATIVE SOCIETY
LTD.NO.E 233, MANJALLOOR P.O., MUVATTUPUZHA,
ERNAKULAM.

2. GEORGE, SON OF (NOT KNOWN TO THE
PETITIONER), AGED 50 YEARS, SENIOR INSPECTOR/
ARBITRATOR CUM SPECIAL SALE OFFICER,
KERALA STATE CO-OPERATIVE HOUSING FEDERATION,
REGIONAL OFFICE, KALOOR, COCHIN-17.

BY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

Contempt Case (C) No.1108 OF 2007

Dated this the 3rd day of August, 2007

JUDGMENT

Having heard learned counsel for the parties, I am not satisfied that this petition under the Contempt of Courts Act has to be entertained.

2. However, I am of the view that in the larger interest of the parties, it will be appropriate if some directions are issued invoking the jurisdiction under Article 226 of the Constitution of India, so that the property of the petitioner which is scheduled to be sold in auction on August 9, 2007 can be saved, if the petitioner is prepared to remit a substantial portion of the amount.

3. Learned counsel for the Bank submits that the Bank is interested in getting the money without any further delay. It is further contended by him that the petitioner has shown total indifference in making the payment. I do not propose to go into that area of controversy.

4. Learned counsel for the petitioner submits that the petitioner is prepared to remit a substantial portion of the liability, if so directed. Having heard learned counsel for the parties, this petition is disposed of with the following directions:

(a) Petitioner shall remit a sum of Rs.1,00,000/- before the Bank on or before September 4, 2007, in which event the sale shall stand adjourned.

(b) The balance amount shall be paid in seven equated monthly instalments starting from October 5, 2007. If the petitioner commits default in payment of any one of the monthly instalments, the Bank shall be entitled to recover the entire amount in lump by proceeding against the property.

(c) The Bank shall furnish a statement of account to the petitioner indicating the exact amount due from him, including the details regarding interest, within one week from the date of receipt of a copy of this judgment.

(d) It will be open to the petitioner to raise his objections, if any, to the statement. The Bank shall hear the petitioner in the light of the objections raised by him.

(e) Petitioner shall appear before the officer concerned in the Bank on August 16, 2007 and a decision in the matter shall be taken by the Bank after hearing the petitioner.

(f) If the petitioner fails to appear before the Bank as directed above, or if he fails to remit the sum of Rs.1,00,000/- on or before the above date, it will be open to the Bank to proceed with the sale without affording any further opportunity to the petitioner.

The contempt of court case is closed.

A.K.BASHEER, JUDGE

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